

(c) A notice of hearing rights of the respondent under § 1720.239 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under § 1720.240 will result, in the case of a notice issued under § 1710.14, an order terminating eligibility for the exemption, or, in the case of a notice issued under either § 1710.15 or § 1710.16, an order terminating the exemption order.

[45 FR 40499, June 13, 1980, as amended at 54 FR 40868, Oct. 4, 1989]

**§ 1720.239 Hearings—notice of proceedings pursuant to §§ 1710.14, 1710.15 and 1710.16 of this chapter.**

(a) A developer, upon receipt of a notice of proceedings issued under §§ 1710.14, 1710.15 and 1710.16 of this chapter, may obtain a hearing by filing a written request contained in the notice of proceedings. The request must be filed within 15 days of receipt of the notice of proceedings and must be accompanied by an answer conforming to the requirements of § 1720.245. Filing of a motion for a more definite statement under § 1720.315 shall alter the period of time to request a hearing in accordance with § 1720.240.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 45 days of receipt of this request. The time and place for the hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties of their representatives.

(c) Failure to answer within the time allowed by § 1720.240, or failure to appear at a duly scheduled hearing shall result in an appropriate order under § 1710.14 § 1710.15 or § 1710.16 of this chapter terminating the developer's exemption. The order shall be effective as of the date of service or receipt.

[45 FR 40500, June 13, 1980, as amended at 54 FR 40868, Oct. 4, 1989]

**§ 1720.240 Time for filing answer.**

(a) Within 15 days after service of the notice or order, the respondent shall mail or submit to the Docket Clerk for Administrative Proceedings, Room 10278, Department of Housing and Urban Development, Washington, DC 20410, an answer and three copies there-

of signed by the respondent or attorney. Unless a different time is fixed by the Secretary, the filing of a motion for a more definite statement of the allegations shall alter the period of time in which to file an answer as follows:

(1) If the motion is denied, the answer shall be filed within 15 days after service of the denial.

(2) If the motion is granted in whole or in part, the more definite statement of allegations shall be filed after service of the order granting the motion and the answer shall be filed within 15 days after service of the more definite statement of allegations.

(b) If a notice or order is amended pursuant to § 1720.255(a), the respondent shall have 15 days after service of the amended notice or order within which to file an answer.

**§ 1720.245 Content of answer.**

(a) An answer to a notice or order shall contain:

(1) Specific admission, denial or explanation of each fact alleged in the notice or, if the respondent is without knowledge thereof, a statement to that effect; and

(2) A brief statement of the facts constituting each defense.

(b) Allegations not answered in this manner shall be deemed admitted.

**§ 1720.250 Presumption of hearing request.**

When an answer to a suspension notice, a notice of proceedings, or a suspension order is timely filed but a respondent has failed specifically to request a hearing, the answer shall be deemed to constitute such a request.

**§ 1720.255 Amendments and supplemental pleadings.**

(a) *Amendments.* Prior to the receipt by the Docket Clerk for Administrative Proceedings of an answer to a notice or order, that notice or order may be amended as a matter of course. After the receipt of an answer, the administrative law judge may allow appropriate amendments to pleadings by motion whenever determination of a controversy on the merits will be facilitated thereby.

(b) *Variances of proof.* When issues not raised by the pleadings but reasonably